REMARKS

In response to the Office Action of May 17, 2005, the Applicant comments as follows:

Rejection Under 35 USC § 103(a):

Claims 1-2, 4-5, 7, 10-12 and 14-16 currently stand rejected under 35 USC § 103(a) as being obvious in light of US Patent No. 5460306 (hereinafter "Rudd"), when considered in view of US Patent No. 6089524 (hereinafter "Lai"). The Applicant respectfully traverses this rejection.

It is noted that Claim 7 has been cancelled, and thus, the objection to this claim has been made moot.

Claim 1 has been amended to clarify the scope of the invention, and in particular, the fact that the fishing rod is held in a position such that it is perpendicular to the vertical axis of the restricting member is now claimed. This is easily seen in Figures 3 and 4 of record.

The comments made herein are made in view of this amendment.

It is noted that Rudd discloses a system for locking a fishing rod in place in which a vertical member with a co-axial sleeve is used wherein each has a slot running along their respective vertical axis. A staple on the sleeve is slid through a slot on the vertical member, and once near the bottom of the member slot has been reached, the sleeve is rotated so that the staple moves into a horizontal slot, and the vertical slots on the member and the sleeve are in alignment. The fishing rod is then inserted in a vertical manner so that the longitudinal axis of the rod is aligned with the longitudinal axis of the vertical member and the sleeve. As such, the rod points along the axis of the vertical member.

The bracket used to hold the reel in place on the fishing rod is slid through the aligned slots of the sleeve and the vertical member, and once the bracket has reached the bottom of the slots, the sleeve is rotated so that the slot are no longer in alignment. The bracket for the rod moves into an opening on the sleeve. As a result of this second

rotation, the staple moves into a position where a clasp can be closed and connect with the staple. A lock can then be inserted into the staple to hold the clasp in position.

This differs from the present invention in at least three important aspects. First, the fishing rod in Rudd is held in a position wherein the longitudinal axis of the fishing rod is aligned with the vertical axis of the member and sleeve. Thus, in use, the fishing rod extends straight up in the air, and in order to "set" the hook, the fisherman would be forced to raise the rod straight up to remove it from the holder, and then pull back on a rod that was extending up above the fisherman.

Second, even if the lock and the clasp were omitted, to remove the fishing rod, the fisherman must first rotate the sleeve in order that the slots in the sleeve and the vertical member were aligned, and then pull up on the rod.

Third, the handle section of the rod is held within the sleeve and vertical member, and is only accessible after the reel bracket has been removed from the sleeve and the vertical member. This delays the fisherman from rapidly grabbing the fishing rod handle, and instead forces him/her to grapple with the sleeve and vertical member in a situation where line may be rapidly be released from a rotating reel section. In contrast, only a section of the rod is held within the device of the present invention, and the handle section of the rod is completely exposed and accessible.

As a result of these differences, once a fish takes the bait, Rudd must first (if applicable) remove the lock and move the clasp out of position. Even after these steps, the fisherman must then rotate the sleeve so that the vertical slots are in alignment. After that, while holding the rod portion in the fisherman's hand (while the line is being played out from a spinning reel), the fisherman pull vertical upward (in line with the longitudinal axis of the fishing rod), in order to slide the reel bracket through the aligned vertical slots to a point where the handle of the fishing rod is exposed, and the rod is free from the Rudd apparatus. Once exposed, the fisherman must grab the handle and then pull backwards to set the hook.

This multi-step process is cumbersome. As such, while the Rudd device is well suited for locking a fishing rod to a vehicle bumper, it is of limited use in a situation where the fisherman is actively fishing.

In contrast, the support of the present invention provides a system wherein the longitudinal axis of the rod is essentially perpendicular to the vertical axis of the restricting and the retaining member. Also, only a portion of the rod is used to hold the fishing rod in place which allows ready access to the fishing rod handle. Further, the rod is held essentially parallel to the water so that the end of the rod is below the fisherman's head, and thus, the hook can be set by pulling up on the rod, not by pulling backwards.

Using the present device, once a fish has taken the bait, the fishing rod in the support of the present application can be released from the support by one simple, quick action, namely grabbing the exposed rod handle, and pulling straight up on the rod in a vertical motion. This one action causes the retaining member to slide upwards, opens up the horizontal opening for the rod to exit the support, and allows the fisherman to continue to pull upwards in order to set the hook.

As such, rather than the cumbersome approach of the Rudd security device, the support device of the present invention allows an easy and ready method for simultaneously removing the rod from the support and setting the hook all in one simple upward motion.

These differences between the Rudd device and the device of the present invention, are in no way suggested by the device of Lai.

The Lai device merely provides a pivoting support member in which a pivoting tube can rest on a seat on which the fishing rod handle is rested. To remove the fishing rod, the user must first push downward on the back end of the tube in order to cause the tube to rotate away from the seat. Once rotated away, the user can grab the fishing rod handle, and move it relatively upwards or forwards to release it from the device. Once released, the fisherman must pull backwards, or continue further upwards to set the hook. Accordingly, Lai also requires a multi-step approach to removal of the fishing rod, and then setting the hook.

The Examiner comments that "Lai does disclose upward vertical movement of the rod portions - at 4, moves the retaining member - at 3, from the closed position - see figure 3 to the open position - see figure 5". In fact, Lai teaches that the tube first be

pivoted, primarily by pushing down on the back end of the tube, in order to release the support apparatus (see column 2, line 50 to 57). After the tube has been rotated, the fisherman must then grasp the handle, remove the rod handle from the device, and then pull backwards or further upwards to set the hook. In any case, the Lai device does not teach the orientation of the rod in the fashion taught by the present invention, and thus, does not teach the advantageous properties that result from the orientation.

Further, the once movement system for removing the rod from the support holder and simultaneously setting the hook, is not provided or suggested.

The combination of Rudd with the Lai device would therefore not lead the skilled artisan to the present invention. As such, the Applicant contends that the present invention, as currently claimed, is not obviously in light of the cited prior art.

With respect to the remaining claims, the Applicant contends that they are all directly or indirectly dependent from an allowable Claim 1, and therefore, all of the dependent claims are now allowable.

In particular, Claims 8 and 9 also stand as being rejected over Rudd as modified by Lai, and further in view of US Patent No. 4,656,774 (hereinafter "Terrill"). The Applicant respectfully traverses this rejection.

While auger bits may be known, it is noted that Claim 8 is directly dependent on allowable Claim 1, and therefore is also allowable in the present application, since the Applicant contends that the combination of Terrill to Rudd and/or Lai, would not lead the skilled artisan to the present invention since there is nothing in either Rudd, Lai or Terrill to lead the skilled artisan to the fishing rod support of the present invention. Since Claim 9 is dependent on Claim 8, it is also allowable.

As such, in view of the amendments made herein, the comments presented hereinabove, the Applicant contends that the present invention is now allowable, and early notification to that effect is respectfully requested.

Respectfully submitted,
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